

EXHIBIT B

'Systemic failure' cited in girl's case

Mass. panel urges more help for DSS

By Patricia Wen

GLOBE STAFF

Twelve-year-old Haleigh Poutre was nearly killed by chronic child abuse and then almost died from a premature decision to remove life support, because flawed or insufficient information was given to the state agencies, medical centers, and court systems that were sup-

posed to protect her, a governor's investigative panel said yesterday.

"Child protection service does not exist in a vacuum," said Christine Ferguson, the state's former public health commissioner, who led the three-member panel. "Haleigh's case represents a frightening confluence of a healthcare system ignorant of abuse and a child-protection system ignorant of medicine."

To avoid other tragic cases like Haleigh's, the state Department of Social Services needs more help and expertise to track complex abuse cases and needs a more stringent process to weigh end-of-life cases, the panel concluded.

Governor Mitt Romney, who appointed the panel, and DSS Commissioner Harry Spence said they would work together on the recommendations.

Neither Romney nor Ferguson singled out individuals or agencies for blame at a State House press conference yesterday, and the governor repeated his support for Spence's leadership at DSS. Instead, Romney and Ferguson blamed "systemic failure" and said complicated cases such as

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ESSORAS M SUAREZ/GLOBE STAFF

Panel leader Christine Ferguson and Governor Mitt Romney yesterday.

GLOBE

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Mass. panel cites 'systemic f

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Haleigh's — in which there were more than a dozen reports of suspected child abuse and multiple therapists and doctors reviewing her case — should be automatically flagged for high-level comprehensive review.

Romney's most pointed criticism was of the state's little-scrutinized procedure for deciding when to withdraw life support for a child in custody, saying the system is clearly inadequate.

Spence issued a statement yesterday, saying he was grateful for the panel's work and agreeing that closer collaboration among agencies is needed. He has consistently defended his staff's work on this difficult case. He also said the agency is continuing its care of Haleigh, who has emerged from her vegetative state but is still severely disabled. She has been in a Brighton rehabilitation hospital since late January.

The panel's report is the latest development in a dramatic case that has highlighted weaknesses in how the state cares for some of its most vulnerable children, from investigations of abuse to decisions on removing life support.

Haleigh's nearly lifeless body was brought to a Westfield hospital in September by her adoptive mother and stepfather, setting in motion a series of horrifying realizations by the state.

Within hours, DSS realized that its social workers had mistakenly accepted the adoptive mother's explanation that Haleigh had given herself the many bruises and burns over the years because she had a mental disorder.

Some therapist had backed her adoptive mother's view. Two days after Haleigh was hospitalized, DSS took custody of the girl, and a week later, it backed police in charging the Westfield couple with the brutal assault.

In a bizarre twist, the adoptive mother, Holli Strickland, died in what police believe was

a murder-suicide with her grandmother, two days after being charged with child abuse.

Six days after taking custody of Haleigh, DSS started down the path toward what it now acknowledges was another profound error, seeking to remove her life support at the initial suggestion of the child's lawyer, according to the panel.

The request was made based on medical opinions solicited from two doctors who were colleagues at Baystate Medical Center in Springfield, where Haleigh was moved after being brought to the Westfield emergency room.

The doctors testified that she was in a vegetative state with se-

vere brain injuries and would probably never think or feel again. One of the doctors favored removing both her ventilator and feeding tube, and the other, for reasons that are unclear, wanted her feeding tube to remain, the panel found.

On Oct. 5, Juvenile Court Judge James G. Collins in Holyoke issued an order allowing all life support to be removed. But that order was stayed when the girl's stepfather, who would face murder charges if the girl died, appealed the decision.

Collins's ruling was affirmed by the state's highest court Jan. 17. The next day, however, DSS disclosed that Haleigh was breathing on her own and showing significant improvement. The next week, Haleigh was transferred to Franciscan Hospital for Children in Brighton.

The governor's panel is the first outside review of Haleigh's care. Other members of the panel were Dr. Mary Anne Badaracco, chief of psychiatry at Beth Israel Deaconess Medical Center, and Dr. Jeffrey Burns, chief of critical care at Children's Hospital Boston.

A second review is being conducted by a legislative committee that, unlike the governor's panel, has subpoena power. Romney said yesterday that he



Haleigh Poutre's case sparked the state probe.

CLERK

Failure' in girl's case

Recommendations

A panel appointed by Governor Mitt Romney to review the handling of the Haleigh Poutre case by the state Department of Social Services made recommendations in five main categories:

- Create a process for DSS to evaluate requests to withdraw life support.
- Make available to DSS more medical, psychiatric, and child-abuse expertise.
- Make it a DSS priority to compile a comprehensive profile of each child.
- Increase access to quality mental health services.
- Appoint a new panel to work with pediatric hospitals to reduce errors in child welfare cases.

believes most of the recommendations can be implemented without additional funds, though he was open to adding money if needed.

One recommendation that will go forward immediately, he said, is requiring DSS to solicit the opinions of two doctors from different hospitals, as well as a review by the child's hospital's ethics committee, before recommending to end the life of a child in the agency's care. He said the current system requires only one medical opinion and no mandatory review by the hospital's ethics panel.

"The process of deciding to remove life support for a child in state custody has been inadequate," Romney said. "We must implement a far more comprehensive and robust process."

One shortcoming of the report, said one child advocate, was its failure to specify what errors were made in Haleigh's case and how the panel's recommendations would have made a difference. "You need to have a more specific chronology of what happened," said Marylou Studders, president of the Massachusetts Society for the Prevention of Cruelty to Children.

Ferguson, who had access to Haleigh's voluminous medical records declined to answer questions about whether she believed that if all the information had been shared, DSS would have known that Haleigh was being abused and was not hurting herself.

She also declined to say whether the Baystate doctors had reason last fall to believe Haleigh's prognosis was hopeless.

Ferguson and the governor reiterated the need for looking ahead, not analyzing the details of the past.

"It's about systems changing," she said "It's about moving to the next level."

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HERALD

3 probes launched over Haleigh's case

By MARIE SZANSZLO

The Department of Social Services began assembling an independent medical team yesterday to review the case of an 11-year-old Westfield girl who was allegedly pummeled into a coma by her adoptive mother and stepfather while under state supervision.

The team, which will include a neurologist and an ethicist, is one of three panels that will probe the case of Haleigh Poutre, who has been in critical condition since September at Baystate Medical Center in Springfield.

Also yesterday, state Rep. Marie J. Parente (D-Milford), a member of the Legislature's Committee on Foster Care, said she wants to know whether Haleigh was over-medicated. She said DSS needs a major overhaul and to involve law enforcement in investigations.

"When a child has been injured, a crime has occurred," she said. "We have to either train (social workers) to be criminal investigators — so if there is an injury there has to



HALEIGH POUTRE

be a process in place that follows the rules of evidence — or law enforcement agencies need to be called in at the earliest point."

Gov. Mitt Romney announced the formation of his own panel to investigate

Haleigh's case and report to him in 30 days. Asked why it has taken the governor four months to launch the probe, his spokeswoman, Julie Teer, said, "Right now, the governor is focusing on preventing this type of situation from occurring again."

A separate legislative panel with subpoena powers will conduct a probe of DSS handling of child-welfare cases. The panels will review the department's 16 prior reports of abuse or neglect involving Haleigh, reports that case-workers and the medical professionals treating Haleigh attributed to self-injury.

The panels also will examine a DSS decision less than three weeks after the girl was hospitalized to seek a court order allowing the agency to remove her from life support.

Jessica Fargen and Michele McPhee contributed to this report.



HARRY SPENCE

pan of potpourri burning on the stove. The mother had already come to the attention of DSS in July after one of the boys nearly drowned after being left alone in a bathtub. Monteiro described the mother, Maisha Brantley, 26, as "worried and upset." "What we have is a young

GLOBE

SPORTS

Vote of confidence
Kraft calls Belichick
a key to Patriots' future

FOOD

The rush is off
Restaurant extols joy
of leisurely cooking

VOLUME
NUMBER

50 cents

75 cents beyond
30 miles from DC

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JAMES T RICHARDS PMX
200 WEST ST
DEDHAM MA 02027
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ROSA

WEDNESDAY, JUNE 14

Doctor-assisted sui

SJC says life support can end for alleged beating victim, 11

By Patricia Wen

GLOBE STAFF

The Supreme Judicial Court ruled yesterday that life-support systems for an 11-year-old West-field girl can be removed, saying that the child, who has been in a vegetative state since an alleged beating by her adoptive mother and stepfather, should be able to "pass away with dignity."

The state's highest court unanimously rejected an appeal by the stepfather of Haleigh Poutre to keep the girl alive, saying it was

"unthinkable" to give him a voice in her care, because of his alleged role in her beating and the potential murder charges he faces if she dies.

The decision, written by Justice John M. Greaney, chronicled how the girl's many bruises and burns over the last few years were reported more than a dozen times to child-protection officials, who often misidentified the injuries as self-inflicted or common childhood mishaps.

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HALEIGH POUTRE
In a vegetative state



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B6 City & Region

Reilly to continue Haleigh inquiry

Unsatisfied with specialists' report

STATE HOUSE NEWS SERVICE

Attorney General Thomas F. Reilly pledged yesterday to continue examining the circumstances surrounding the case of Haleigh Poutre, the 12-year-old Westfield girl who was repeatedly abused and whose life support was almost withdrawn by the state Department of Social Services.

A panel of specialists appointed by Governor Mitt Romney issued a report on Tuesday that blamed a "systemic failure" for the DSS missing signs of abuse before Haleigh was beaten and fell into a coma and that called for more independent review to weigh end-of-life cases.

"It cannot and will not be the last word on what happened," Reilly told reporters.

The attorney general, who is seeking the Democratic nomination for governor, said he had not yet read the report in its entirety, but had seen enough to know that a further investigation is needed. Reilly said he is working with a legislative committee that is con-



Haleigh Poutre fell into a coma after abuse.

leigh's case, but declined to say if he would launch a separate inquiry into the case.

Eric Fehrstrom, a spokesman for Romney, said it was shocking that Reilly would criticize a report that he hadn't read. "Christy Ferguson, Dr. Badaracco, and Dr. Burns are well-respected professionals who volunteered their time to help suggest improvements in the way we deliver services to children. Before Tom Reilly maligns their work, he ought to read the report," Fehrstrom said.

Meanwhile, some child welfare advocates said many of the report's recommendations — such as establishing a system in which social workers could work closely with medical doctors and psychiatrists — are obvious and old.

"We have another report, so let's just add it to the pile," said Jetta Bernier, executive director of the Massachusetts Citizens for Children. "Every time there's an unusual case, there's a panel that comes up with the same recommendations."

Material from the Associated Press

C103e

Gov panel clears DSS in tragic beating case

Case 1:03-cv-10367-MEL Document 41-3

Filed 09/14/2006

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By MARIE SZANISZLO

Children's advocates yesterday lambasted Gov. Mitt Romney after his hand-picked panel cleared DSS officials of blame in the botched Haleigh Poutre child abuse case.

"The harm is unacceptable, but . . . punishment is not the answer," a three-member investigative panel appointed by Romney concluded. "We did not find carelessness or a failure to make best efforts to meet Haleigh's needs."

That finding — which let social workers and supervisors off the hook in the horrific beatings that left the 11-year-old girl near death — infuriated child advocates.

"They're damned right there was no 'carelessness' — there was criminal recklessness," said Wendy Murphy, lawyer for Allison Avrett, Haleigh's biological mother.

Haleigh, now 12, of Westfield, is medically stable today, but suffers from brain damage, the extent of which has not been made public.

She was the subject of multiple child-abuse reports before she was pummeled into a coma, allegedly by her stepfather and adoptive mother. She was nearly removed from life support by the state but showed hopeful signs just in time to be spared.

"Haleigh (Poutre)'s case highlights a frightening confluence of a health care system ignorant of abuse, and a child protective system ignorant of medicine," Romney's panel said.

Romney said he had no plans to remove Department of Social Services Commissioner Harry Spence or any DSS staff. That decision comes in sharp contrast to this year's shakeup at New York City's Administration for Children's Service after the fatal beating of a 7-year-old girl by her stepfather.

"Even if Haleigh had been causing her own injuries, she should have been removed from her home. But the report never gets to the bottom of things," said Maureen Flatley, a lobbyist specializing in child welfare and adoption.

"This is a recycling and re-



BEATEN: Haleigh Poutre was allowed by DSS to stay with her adoptive mother and stepfather who savagely beat her into a vegetative state.

that have been made over the last 15 years. And still, no one is being held accountable. At what point do we say enough is enough?" she said.

In the three years before her brain injury, DSS received 16 reports of abuse or neglect about Haleigh. But caseworkers believed that all her injuries were either self-inflicted or accidental, and allowed her to remain with her stepfather and adoptive mother, Jason and Holli Strickland, on the advice of medical professionals.

Last September, the Stricklands allegedly beat her into a coma with a baseball bat. Eight days later, DSS sought a court order allowing Haleigh to be removed from life support. Jason Strickland objected, but in January, the state's highest court ruled in the department's favor. The next day DSS announced that Haleigh was breathing on her own, and it had halted plans to remove her feeding tube.

Romney's panel said DSS should in the future obtain a

second opinion from both the ethics committee of the hospital treating the child and from an outside physician. Its 27-page report also recommended that DSS:

- Keep on retainer medical professionals in the areas of child abuse and psychiatry.

- Help major pediatric hospitals form child abuse teams.

- Not dismiss reports of abuse or neglect solely because a family is already receiving help and appears to be cooperating.

WEDNESDAY, MARCH 22, 2006 BOSTON HERALD

HERALD

Dontel a forgotten face in grisly child slaying



AP FILE PHOTO

DONTEL JEFFERS, 4, was likely beaten to death in a foster home.

For 11 agonizing days, Dontel Jeffers was likely beaten.

A medical examiner found bruises on his neck so deep, they nearly went to the 4-year-old's bone.

A kick to his tiny stomach is probably what drove his intestines into his spine, according to an autopsy report.

Another blow caused a hemorrhage to his bowel that led to a bacterial infection.

His body was covered with bloody trails of fingernail scratches; his small hands swollen from ligature burns on his wrists.

During all of it, the little boy was in "considerable pain," the autopsy showed.

And it took them four months to figure that out.

From the time Dontel was placed with 24-year-old Corrine Stephen, no one from the Department of Social Services had ever checked on the boy.

From Feb. 24, when Dontel went to the Ballou Avenue foster home, until his lifeless body was carried into Caritas Carney Hospital on

March 6, not one person visited the home.

No one conducted a check in the criminal history of Stephen boyfriend, who often stayed in the apartment. Not until a day after Dontel died, records show.

And no one from DSS became concerned when Stephen canceled an appointment with a social worker just two days before what would become Dontel's last.

"At the time it didn't seem like a red flag," DSS spokeswoman Denise Monteiro told the Herald after Jeffers' death. "In hindsight it does."

Foster mothers are "very busy," Monteiro went on to say.

So are medical examiners, apparently.

It took nearly four months for the state's medical examiner to rule Dontel's death a homicide.

Despite the ligature marks that burned Dontel's small wrists where he was allegedly bound with a telephone cord. Despite the deep

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HERALD

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to schools i
plans to s
psychology.
"Whatever
faced with
said Jonath
then what
posed to doi

helmet," Wiley said. "This
is really riding at your own
risk."
Jonathan's mother, Linda,
believes her son is the only
person with arthrogryposis
that uses a tricycle to get
around.

so it was really rewarding
to make something that he
does like."
The design was based on
Jonathan's old tricycle,
which had to be pushed
around with his legs.
Brigandi and Wiley beefed

scratches and purple bruises and a
compressed spine.

Stephen, of course, has listed a
litany of excuses to explain the ex-
tensive injuries. He got in a fight. Hit
his head on a radiator. He fell down
the stairs.

Despite Stephen's in-
sistence on her inno-
cence, she continues to
be held on \$100,000 cash
bail.

At least she's in jail.
An alleged accessory,
Dhayne White, 20, fled to
her native Trinidad in
the long months before
officials decided Don-
tel's death was no acci-
dent.

This week, New York City buried
a little girl, 7-year-old Nixzmary
Brown, who was allegedly sexually
tortured and beaten to death at the
hands of her mother and stepfather.
On the last night of her life, her step-
father allegedly whipped her with a
belt, dunked her head in a bathtub
filled with cold water, then slammed
her skull into the faucet.

This week, people were outraged
by the abuse of 11-year-old Haleigh
Poutre, who was allegedly beaten
into a coma by her caretakers while
in DSS custody last year. Suburban
politicians called for a DSS shakeup,
and one representative remarked
that she was "confounded" by the
lack of DSS supervision.

Funny, I don't remember any local
pols stampeding for change after
Dontel died, despite the glaring mis-
takes that were made in his case.

While Haleigh's abuse was horri-
ble — violence against any child is
unimaginable to me — doctors are
hoping she still might have a chance
to live and be loved.

During his short life, Dontel never
had that chance. Never felt love.

Dontel's biological parents —
who never took care of the boy —
now are fending over who will get to
sue the city for his death. The
woman accused of helping murder
the boy is at large. And city politi-
cians are sadly silent about the sys-
tem that let him die so terribly in
Dorchester.

— mitchphee@bostonherald.com

HALEIGH AND DSS 2/9/06

THE HALEIGH POUTRE case will be the subject of an independent state investigation, as it should be, to determine the role of the Department of Social Services in failing to stop the brutal treatment that almost led to her death. According to DSS Commissioner Harry Spence, however, Haleigh wasn't left in a dangerous home because of DSS neglect but through a difference of opinion among professionals. The Poutre case should not distract attention from improvements DSS is making to ensure that children in its care are well-treated.

Haleigh, 11, was never in the custody of DSS until she was beaten into a coma. Her stepfather is accused of the crime. The girl came to the attention of DSS two years ago because someone was causing her harm, but, Spence said in a telephone interview last week, independent mental health specialists considered the injuries self-inflicted. Spence said DSS staffers were ready to remove her from her home in Westfield in January 2005, but the conflicting views stayed their hand. "We have to prove the case in court," he said, and without support of the mental health team that would be extremely difficult.

Most children involved with DSS do not get this amount of attention. The case of Dontel Jeffers, a 4-year-old who died of injuries sustained in a foster home last year, is more typi-

cal. Dontel had to be taken from his mother because she was a drug abuser. His grandmother wanted to take him in, but DSS put hurdles in her way. The department is trying to change its approach to encourage placement with family members. Dontel's foster home operated under contract with a private provider, and DSS is tightening its procedures to make sure that these homes are monitored more closely.

Haleigh's near death is even more exceptional because DSS petitioned to have her taken off life support, and the Supreme Judicial Court agreed in December. Haleigh has since made extraordinary progress.

The special investigation will look at whether DSS could have handled the feeding tube issue better, but the department was relying on medical opinion and no harm was done. DSS should be careful not to make a hasty decision again if another child is grievously injured. Its top priority should be to make sure that children do not end up in comas, but are saved from harm.

The special investigation, led by former public health commissioner Christine Ferguson, will only deal with the Poutre case. The Legislature needs to keep close watch on all the activities of DSS, to make sure it has adequate resources and that its policies safeguard every child that comes under its scrutiny.

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